IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1316(S/S)2006

Smt. Sheela Devi Rana W/o late Ex Rifleman
Ravindar Singh Rana (No. 5442590N)
S/o late Sri Mangat Singh Rana,
R/o village Gajiyawala, P.O. Ghangora,
District Dehradun. ---- Petitioner.

Vs.

1. The Union of India through Secretary Ministry of Defence, South Block, New Delhi,
2. Chief of the Army Staff, Army Headquarter, New Delhi,
3. CCDA (Pensions) Allahabad, U.P.,
4. Manager, Punjab National Bank, Astley Hall, Dehradun (Uttarakhand). ----Respondents.

Sri Lalit Kumar, learned counsel for the petitioner,
Sri Arvind Vashishtha, learned Asstt. Solicitor General Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lalit Kumar, learned counsel for the petitioner, and Sri Arvind Vashishtha, learned Asstt. Solicitor General Union of India/respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents, particularly respondent no. 4, to release the pension dues of the petitioner, as also to resume the payment of his monthly pension.

During pendency of this writ petition, the petitioner, namely, Sri Ravindar Singh Rana was expired therefore, his wife Smt. Sheela Devi Rana moved substitution application bearing no. 67 of 2007 which was allowed on 15.02.2007 by this

Court and Smt. Sheela Devi Rana was substituted in place of the petitioner late Sri Ravindra Singh Rana.

Case of the late petitioner is that he was enrolled in 58 Gorkha Rifles on 05.12.1967 and he was discharged from service on 31.12.1982 and was getting Govt. pension since then. After discharge from service, while he was working as Armed guard in Union Bank of India, at its Badgaon Branch in district Saharanpur, he was implicated in the case of murder of Cashier of the said Bank and was remanded to police custody. Learned Sessions Judge, Saharanpur convicted him u/s 302 I.P.C. and sentenced him to undergo imprisonment for life vide its judgment and order dated 22.09.1988. Aggrieved by the order of Session Judge, Saharanpur, he preferred appeal before the Allahabad High Court and obtained bail order on 01.05.1992. He was released on bail however, the appeal preferred by him is still pending.

Since the petitioner's husband was convicted u/s 302 I.P.C. by the Session Judge, Saharanpur, thus the pension which was being paid to petitioner's husband was stopped by the Bank in pursuance of the letter dated 01.08.1994 of CCDA (Pension) Allahabad, U.P. in the letter of CCDA (Pension) it was informed to the Bank that the case of the petitioner is under examination of Hon'ble High Court, the pension of the petitioner cannot released unless he is acquitted from the Court.

Learned counsel for the petitioner has submitted that in view of the law laid down by Hon'ble the Apex Court, since the conviction and sentence have already been stayed by the Allahabad High Court vide order dated 29the September 1995,

thus husband of the petitioner was entitled to get pension and now the petitioner is also entitled for family pension.

The petitioner may apply before the appropriate authority for consideration of her case.

The petitioner may make representation before the appropriate authority who shall take decision on the same, in accordance with law, within a period of two weeks from the date of production of a certified copy of this order alongwith her representation.

With these direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 26, 2007:
NCM: